

EXHIBIT B

Brenner, Wendy

From: Tenhoff, Gregory
Sent: Monday, June 07, 2010 7:06 AM
To: Brenner, Wendy
Subject: Fw: proposed Order
Attachments: (79) 2nd Amended Proposed Order P's Mtn for Pl.pdf

Gregory C. Tenhoff
Cooley Godward Kronish LLP
5 Palo Alto Square, 4th Floor
3000 El Camino Real
Palo Alto, CA 94306-2155
(650) 843-5054
(650) 849-7400 (fax)
tenhoffgc@cooley.com

From: Daniel F. Goldstein <dfg@browngold.com>
To: Tenhoff, Gregory
Cc: Larry Paradis (lparadis@dralegal.org) <lparadis@dralegal.org>; Karla Gilbride <kgilbride@dralegal.org>; Meghan Sidhu <ms@browngold.com>; Anna Levine <alevine@dralegal.org>; slabarre@labarrelaw.com
<slabarre@labarrelaw.com>
Sent: Mon Jun 07 06:36:10 2010
Subject: proposed Order
Greg,
So that we can get an order to Judge Breyer as he requested, do you want to take a look at the last proposed order we submitted and give me your thoughts?
Best,
Dan

Daniel F. Goldstein
Brown, Goldstein & Levy, LLP
120 E. Baltimore St., Suite 1700
Baltimore, MD 21202
(410)962-1030
(410)385-0869 (fax)
443-923-1314 (direct dial)
dfg@browngold.com
www.browngold.com

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DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, FOURTH FLOOR
BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

1 LAURENCE W. PARADIS (California Bar No. 122336)
ANNA LEVINE (California Bar No. 227881)
2 KARLA GILBRIDE (California Bar No. 264118)
DISABILITY RIGHTS ADVOCATES
3 2001 Center Street, Third Floor
Berkeley, California 94704
4 Telephone: (510) 665-8644
Facsimile: (510) 665-8511
5 TTY: (510) 665-8716

6 SCOTT LABARRE (*pro hac vice*)
LABARRE LAW OFFICES, P.C.
7 1660 S. Albion Street, Ste 918
Denver, Colorado 80222
8 Telephone: (303) 504-5979
Fax: (303) 757-3640

9 DANIEL F. GOLDSTEIN (*pro hac vice*)
10 MEHGAN SIDHU (*pro hac vice*)
BROWN, GOLDSTEIN & LEVY, LLP
11 120 E. Baltimore St., Suite 1700
Baltimore, Maryland 21202
12 Telephone: (410) 962-1030
Fax: (410) 385-0869

13 Attorneys for Plaintiff

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 STEPHANIE ENYART

19 Plaintiff,

20 v.

21
22 NATIONAL CONFERENCE OF BAR
EXAMINERS, INC.,

23
24 Defendant.
25
26
27
28

Case No. C 09-05191 CRB

**SECOND AMENDED [PROPOSED]
ORDER GRANTING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. Charles R. Breyer
Action Filed: November 3, 2009

1 Upon consideration of Plaintiff's Motion for a Second Preliminary Injunction,
 2 Defendant's opposition thereto, the accompanying memoranda, and the evidence
 3 received in support and in opposition thereof, and for the reasons set forth by the Court
 4 following the argument of counsel, it is this _____ day of _____ hereby
 5 ordered that National Conference of Bar Examiners (NCBE) shall provide Ms. Enyart
 6 with the following accommodations on the August 6, 2010 administration of the
 7 Multistate Professional Responsibility Examination (MPRE) and the July 27 to August 1,
 8 2010 administration of the Multistate Bar Examination (MBE) (collectively, "the
 9 Examinations"):

- 10 (a) Double the standard time;
- 11 (b) A private room;
- 12 (c) One five minute break every hour;
- 13 (d) A scribe to fill in the answers;
- 14 (e) The Examinations loaded onto a laptop computer equipped with JAWS and
 15 ZoomText Software, with the exam questions displayed in Ariel 14-point font.

16 Additionally, NCBE shall permit Ms. Enyart to use all of the following during the
 17 Examinations as accommodations, all of which shall be brought to the Examinations by
 18 Ms. Enyart:

- 19 (f) An ergonomic keyboard
- 20 (g) A trackball mouse
- 21 (h) A large monitor
- 22 (i) Her own lamp to control lighting conditions
- 23 (j) Sunglasses
- 24 (k) A yoga mat
- 25 (l) Large print digital clock
- 26 (m) Migraine medication

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BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

The ergonomic keyboard, trackball mouse, and monitor shall be devoid of any storage devices or storage mechanisms and NCBE does not guarantee the interoperability of such devices with the computer it provides. The MPRE shall be administered by ACT with the above accommodations pursuant to the Stipulation Re: Voluntary Dismissal Without Prejudice of Defendant ACT, Inc. filed with the Court on November 25, 2009. The MBE shall be administered by the State Bar of California with the above accommodations pursuant to the Stipulation Regarding Dismissal Without Prejudice of the State Bar of California filed with the Court on December 9, 2009.

NCBE shall cooperate with Plaintiff and the State Bar of California and ACT to facilitate the set up of the equipment prior to the day of the testing.

Plaintiff shall post an additional bond in the amount of \$5,000 to be filed with the Clerk of the Court by _____, 2010, and deposited into the registry of the Court.

The terms of this preliminary injunction shall also apply to any other administrations of the MPRE and MBE that Plaintiff needs to take prior to trial in this matter. For any such future examinations, Plaintiff as a condition of the preliminary injunction shall post a further bond of \$2,500 for each administration of the MPRE and \$2,500 for each administration of the MBE.

IT IS SO ORDERED.

Dated _____, 2010

Charles R. Breyer
United States District Court Judge